

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

U.S.A. vs. Curtis L. Elliott

Docket No. 5:10-CR-29-1H

Petition for Action on Supervised Release

COMES NOW Debbie W. Starling, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Curtis L. Elliott, who, upon an earlier plea of guilty to Conspiracy to Commit Bank Fraud and to Make False Statements to Credit Union, in violation of 18 U.S.C. § 371, was sentenced by the Honorable Robert L. Echols, U.S. District Judge, in the Middle District of Tennessee on September 4, 2008, to the custody of the Bureau of Prisons for a term of 15 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall pay restitution to the victim identified in the Criminal Monetary Penalties section of the judgment in an amount totaling \$5,523.61.
2. The defendant shall furnish all financial records, including, without limitation, earnings and tax returns, to the United States Probation Office upon request.
3. The defendant shall not incur new debt or open additional lines of credit without the prior approval of the Probation Officer unless the defendant is in compliance with the payment schedule for any court-imposed financial sanctions.
4. The defendant shall participate in a program of drug testing and substance abuse treatment which may include a 30-day inpatient treatment program followed by up to 90 days in a community correction center at the direction of the Probation Officer. The defendant shall pay all or part of the cost for substance abuse treatment if the Probation Officer determines the defendant has the financial ability to do so or has appropriate insurance coverage to pay for such treatment.
5. The defendant is prohibited from owning, carrying or possessing firearms, destructive devices, or other dangerous weapons.
6. The defendant shall cooperate in the collection of DNA as directed by the Probation Officer.

Curtis L. Elliott was released from custody on September 14, 2009, at which time the term of supervised release commenced in the Eastern District of North Carolina. Jurisdiction was received in the Eastern District of North Carolina on January 25, 2010.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On May 4 and May 13, 2010, the defendant submitted urine samples which proved positive for cocaine. When confronted regarding drug use, he initially denied any

Curtis L. Elliott
Docket No. 5:10-CR-29-1H
Petition For Action
Page 2

drug use. However, he subsequently admitted that he had relapsed and used cocaine on two occasions. He also admitted that during this time, he was with a co-worker who purchased crack cocaine. The defendant completed six months of outpatient substance abuse treatment on April 10, 2010, and only after completing treatment, did he relapse. Elliott will be subjected to more intensive substance abuse treatment to ensure his sobriety, and his drug screens have been increased to detect any future drug use. As a punitive sanction, it is respectfully recommended that he be placed on home detention, supported by electronic monitoring, for a period of 90 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

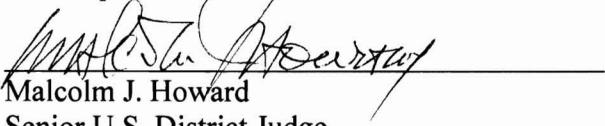
/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Debbie W. Starling
Debbie W. Starling
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: June 17, 2010

ORDER OF COURT

Considered and ordered this 28th day of June, 2010, and ordered filed and made a part of the records in the above case.


Malcolm J. Howard
Senior U.S. District Judge